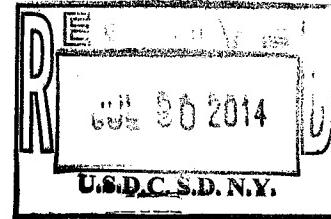


JUDGE RAMOS

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14 CV 5972



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TRADEWINDS FREIGHT FORWARDING, INC.,

Plaintiff,

14 Civ. _____

- Against -

COMPLAINT

NETWORK SHIPPING LTD. and
NETWORK SHIPPING LTD., INC.,

Defendants.

-----X

The plaintiff herein, by and through its attorneys, Hill Rivkins LLP, complaining of the above named defendants, alleges as follows:

FIRST: This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. Jurisdiction is predicated on 28 U.S.C. § 1333.

SECOND: At and during all times hereinafter mentioned, TRADEWINDS FREIGHT FORWARDING, INC. (hereinafter "Plaintiff") was and now is a Washington corporation with an office and place of business at 620 SW 150th St Ste A, Burien, WA 98166.

THIRD: At and during all the times hereinafter mentioned, defendants NETWORK SHIPPING LTD. and/or NETWORK SHIPPING LTD., INC. (hereinafter collectively "Defendants" in reference to one or both entities) were and now are one or more foreign

corporations carrying on business in the State of Florida with an office and place of business at 241 Sevilla Avenue, Coral Gables, FL 33134.

FOURTH: At and during all times hereinafter mentioned, Defendants were and now are engaged in business as a common carrier of merchandise by water, rail and/or motor for hire.

FIFTH: On or about July 23, 2013, at Port Hueneme, California, there were delivered to the M/V HORNCLIFF (hereinafter also the "Vessel") and Defendants in good order and condition a shipment of fresh produce including 480 cartons of plums, 480 cartons of peaches, and 320 cartons of nectarines, which the Defendants received, accepted and agreed to transport for certain consideration to Heredia, Costa Rica, by way of Port Caldera, Costa Rica, pursuant to bill of lading number NQSH331030J28964 issued by Defendants.

SIXTH: Thereafter, the said Vessel arrived at Port Caldera, Costa Rica, then the cargo was transported to the place of delivery by rail and/or motor, and the cargo was not delivered in the same good order and condition in which it was received but instead was found to be in rotten, moldy, overripe, or otherwise damaged condition.

SEVENTH: Defendants, by reason of the premises, breached their duties to the Plaintiff as common carriers by water, rail and/or motor for hire and were otherwise at fault.

EIGHTH: Plaintiff was a freight forwarder with respect to the shipment and compensated the shippers and/or consignees and/or owners of the cargo in relation to the damage, and bring this action on their own behalf and, as agents and trustees, on behalf of and for the interest of all parties who may be or become interested in the said shipment, as their respective interests may ultimately appear, and Plaintiff is entitled to maintain this action.

NINTH: Plaintiff has duly performed all duties and obligations on its part to be performed.

TENTH: By reason of the premises, plaintiffs have sustained damages nearly as same can now be estimated, no part of which has been paid, although duly demanded, in the amount of \$18,481.62.

W H E R E F O R E, Plaintiff prays:

1. That process in due form of law according to the practice of this Court may issue against Defendants.
2. That if Defendants cannot be found within this District, that all of their property within this District be attached in the sum set forth in this complaint, with interest and costs.
3. That a decree may be entered in favor of Plaintiff against Defendants for the amount of Plaintiff's damages, together with interest and costs.
4. Plaintiff further prays for such other, further and different relief as to this Court may seem just and proper in the premises.

Dated: New York, New York
July 31, 2014

HILL RIVKINS LLP
Attorneys for Plaintiff

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